# Executive Summary – Enforcement Matter – Case No. 46635 Don M. Tate dba Don General Services RN102120938

Docket No. 2013-0797-MSW-E

**Order Type:** 

1660 Agreed Order

**Findings Order Justification:** 

N/A

**Media:** 

**MSW** 

**Small Business:** 

Yes

Location(s) Where Violation(s) Occurred:

Don General Service, located on the north side of Farm-To-Market Road 2426 East,

Pineland, Sabine County

**Type of Operation:** 

Municipal solid waste ("MSW") Type V transfer facility

**Other Significant Matters:** 

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 27, 2013

Comments Received: No

Penalty Information

**Total Penalty Assessed:** \$13,237

Amount Deferred for Expedited Settlement: \$2,647 Amount Deferred for Financial Inability to Pay: \$0

Amount Deferred for Financial Inability to Pay: \$6

Total Paid to General Revenue: \$2,590 Total Due to General Revenue: \$8,000

Payment Plan: 4 payments of \$2,000 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:** 

Person/CN - Unclassified

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

 $Investigation\ Information$ 

Complaint Date(s): N/A

**Complaint Information**: N/A

Date(s) of Investigation: February 8, 2013

**Date(s) of NOE(s):** March 22, 2013

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# Violation Information

- 1. Failed to ensure that the Facility sign contains specific required information listed in the approved Site Operating Plan ("SOP"). Specifically, the entrance sign at the Facility did not contain emergency contact information, language stating that all loads will be properly covered or otherwise secured, or a "No Smoking" sign. Also, the entrance sign indicated that the Facility accepts scrap tires, which are listed as prohibited waste in the Facility SOP [30 Tex. Admin. Code § 330.231 and MSW Registration No. 40054, SOP § 330.231, Facility Sign, Page 11].
- 2. Failed to operate and accept waste within the approved Facility operating hours specified in the approved SOP. Specifically, Respondent accepted waste on Tuesdays, Thursdays and Fridays outside of the approved waste acceptance days and times specified in the SOP [30 Tex. Admin. Code § 330.229(a) and MSW Registration No. 40054, SOP § 330.229, Facility Operating Hours, Page 11].
- 3. Failed to employ at least one licensed individual who supervises or manages the operations of the MSW Facility. Specifically, none of the employees at the Facility possessed a Class A or Class B MSW Operator License [30 Tex. Admin. Code § 330.213(a)].
- 4. Failed to ensure that an adequate supply of water under pressure is available for firefighting purposes as specified in the approved SOP. Specifically, the artesian well with pump located at the Facility was incapable of delivering 250 gallons of water per minute [30 Tex. Admin. Code § 330.221(a) and MSW Registration No. 40054, SOP § 330.221, Fire Protection, Page 9].
- 5. Failed to ensure that fire extinguishers are available, fully charged, and display a current inspection tag as specified in the approved SOP. Specifically, the investigator observed three discharged fire extinguishers at the gatehouse with inspection tags dated 1995. Also, waste collection vehicles were not equipped with fire extinguishers [30 Tex. Admin. Code § 330.221(b) and MSW Registration No. 40054, SOP § 330.221, Fire Protection, Page 9].
- 6. Failed to prevent the acceptance of a prohibited waste at the Facility. Specifically, Respondent accepted industrial solid waste from a mining operation, which is not authorized [30 Tex. Admin. Code § 330.203(a) and MSW Registration No. 40054, SOP § 330.203, Waste Acceptance and Analysis, Page 4].
- 7. Failed to establish and maintain Facility inspection and training records as specified in the approved SOP [30 Tex. Admin. Code § 330.219(b)(2) and MSW Registration No. 40054, SOP § 330.219, Page 7].

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# Corrective Actions/Technical Requirements

# **Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures:

- a. Updated the Facility entrance sign to contain the specific information listed in the approved SOP on February 21, 2013; and
- b. Recharged the fire extinguishers and displayed current inspection tags on February 22, 2013.

# **Technical Requirements:**

Respondent shall undertake the following technical requirements:

- a. Immediately:
- i. Cease accepting and processing prohibited industrial solid waste at the Facility until such time as authorization is obtained;
- ii. Cease the operation and acceptance of waste outside of the days and hours authorized in the approved SOP, or obtain an approved registration modification according to the deadline specified in Ordering Provision b. indicating that new days and hours of Facility operation and waste acceptance have been established; and
- iii. Begin maintaining all inspection and training records at the Facility as specified in the approved SOP.
- b. Within 180 days:
- i. Ensure that at least one employed individual of the Facility has attended and successfully completed a MSW Class A or Class B Supervisor Course; and
- ii. Ensure that a pressurized water supply capable of delivering 250 gallons per minute has been made available at the Facility or obtain an approved registration modification indicating that the Facility has an adequate water supply under pressure for firefighting purposes.
- c. Within 195 days, submit written certification demonstrating compliance with Ordering Provisions a. and b.

# Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A

**Settlement Date:** N/A

# Executive Summary – Enforcement Matter – Case No. 46635 Don M. Tate dba Don General Services RN102120938 Docket No. 2013-0797-MSW-E

# **Contact Information**

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Keith Frank, Enforcement Division, Enforcement

Team 6, MC 128, (512) 239-1203; Candy Garrett, Enforcement Division, MC 219,

(512) 239-1456

**TCEQ SEP Coordinator**: N/A

Respondent: Don M. Tate, Owner, Don General Services, P.O. Box 803, Pineland,

Texas 75968

Respondent's Attorney: N/A

### Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 1-Apr-2013 Screening 5-Apr-2013 **EPA Due** 19-Apr-2013 PCW RESPONDENT/FACILITY INFORMATION Respondent Don M. Tate dba Don General Services Reg. Ent. Ref. No. RN102120938 Major/Minor Source Minor Facility/Site Region 10-Beaumont **CASE INFORMATION** No. of Violations 7 Enf./Case ID No. 46635 Docket No. 2013-0797-MSW-E Order Type 1660 Government/Non-Profit No Media Program(s) Municipal Solid Waste Enf. Coordinator Clinton Sims Multi-Media EC's Team Enforcement Team 6 Admin. Penalty \$ Limit Minimum Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$13,500 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$0 Subtotals 2, 3, & 7 Compliance History 0.0% Enhancement Notes No adjustment for compliance history. Subtotal 4 \$0 Culpability No 0.0% Enhancement The Respondent does not meet the culpability criteria. Notes Subtotal 5 \$374 **Good Faith Effort to Comply Total Adjustments** Subtotal 6 \$0 **Economic Benefit** 0.0% Enhancement\* Total EB Amounts Capped at the Total EB \$ Amount Approx. Cost of Compliance \$13,126 **SUM OF SUBTOTALS 1-7** Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE \$111 0.8% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Recommended enhancement to capture the avoided cost of compliance Notes associated with violation no. 3. Final Penalty Amount \$13,237 \$13,237 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty -\$2,647 20.0% Reduction Adjustment DEFERRAL Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.

Deferral offered for expedited settlement.

\$10,590

Notes

**PAYABLE PENALTY** 

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Screening Date 5-Apr-2013

**Docket No.** 2013-0797-MSW-E

Respondent Don M. Tate dba Don General Services

**Case ID No.** 46635

Reg. Ent. Reference No. RN102120938

Media [Statute] Municipal Solid Waste Enf. Coordinator Clinton Sims

Component	ory <i>Sit</i> e Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	Ö	0%
Addits 1	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
o crici	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Subt	otal 2)
at Violator (	Subtotal 3)		
N/A	Adjustment Per	centage (Subt	otal 3)
oliance Histo	ry Person Classification (Subtotal 7)		
Unclass	ified Adjustment Per	centage (Subt	otal 7)
pliance Histo	rry Summary	en jako en lesto en l	
Compliance History	No adjustment for compliance history.		
Notes	to daystricite for compliance motory.		
	Total Compliance History Adjustment Percentage (S	Subtotals 2. 3	. & 7)

Screening Date		<b>o.</b> 2013-0797-MSW-E	PCW
Case ID No.	Don M. Tate dba Don General Services 46635		ion 3 (September 2011) Revision August 3, 2011
Reg. Ent. Reference No.			
Enf. Coordinator	Municipal Solid Waste Clinton Sims		
Violation Number			1
Rule Cite(s)	30 Tex. Admin. Code § 330.231 and Municipal S No. 40054, Site Operating Plan ("SOP") § 3		
Violation Description	Failed to ensure that the Facility sign contains sp the approved SOP. Specifically, the entrance si emergency contact information, language stati covered or otherwise secured, or a "No Smokin indicated that the Facility accepts scrap tires, wh in the Facility SO	gn at the Facility did not contain ng that all loads will be properly ng" sign. Also, the entrance sign lich are listed as prohibited waste	
		Base Penalty	\$25,000
>> Environmental, Proper	ty and Human Health Matrix		
Release	<b>Harm</b> Major Moderate Minor		
OR Actual Potential		Percent 0.0%	
>>Programmatic Matrix Falsification	Major Moderate Minor		
		Percent 1.0%	
Matrix Notes	Less than 30% of the rule requirement wa	as not met.	
		Adjustment \$24,750	
		,	\$250
Violation Events			
Number of	/iolation Events 1 13	Number of violation days	
	daily		
	weekly monthly		
mark only one with an x	quarterly	Violation Base Penalty	\$250
	semiannual annual		
	single event x		:
	One single event is recommende	d.	
Good Faith Efforts to Com	ply 25.0% Reduction		\$62
GOOD FAILH EHOLIS TO COM	Before NOV NOV to EDPRP/Settlemen	t Offer	702
	Extraordinary X		
	N/A (mark with x)		
	The Respondent came into compl Notes 2013, prior to the March 22, 2013		
	("NOE").		
		Violation Subtotal	\$188
Economic Benefit (EB) for	this violation	Statutory Limit Test	
	ed EB Amount \$1	Violation Final Penalty Total	\$190
		d Penalty (adjusted for limits)	\$190
The property of the control of the c		-,	

	E E	conomic	Benefit	Wo	rksheet		
Respondent	Don M. Tate d	ba Don General S	Services				
Case ID No.	46635						
Reg. Ent. Reference No.	RN102120938	1					
Media	Municipal Solid	d Waste				ac. 2 ac. 2	Years of
Violation No.						Percent Interest	Depreciation
riolation ito.	. <del>-</del>		Hili			5.0	
		2011				Andrew Company of the	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	a deletiment						
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	8-Feb-2013	21-Feb-2013	0.04	\$1	n/a	\$1
Notes for DELAYED costs	SOP.	The date required	is the investiga	ition da	ite, and the final d	nformation listed in tale is the compliance	e date.
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	Martin de la companya del companya del companya de la companya de		or one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment		<u> </u>		0.00	\$0	\$0	\$0
Financial Assurance [2]		<u> </u>		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]		<u> </u>	<del></del>	0.00	\$0	\$0	\$0
Other (as needed)		<u> </u>		0.00	<u>\$0</u>	\$0l	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$500		-	TOTAL[		\$1

Respondent Don M. Tate dob Don General Services  Respondent Cose 1D No. 46635  Reg. Ent. Reference No. RN102120938  Media [Statute] Municipal Sold Waste Enf. Coordinator Climon Sime Violation Number  Violation Number  Violation Description  Violation Description  Violation Description  Violation Description  Violation Description  Violation Description  Release  Major  Moderate  Minor  Percent  Jesification  Moderate  Minor  Mo		ening Date			cket No. 2013-0797-MSW-E	
Reg. Ent. Reference No. RN102120938 Media [Statute] Municipal Solid Waste Enf. Coordinator Clinton Sims Violation Number 2 Rule Cite(s) 30 Tex. Admin. Code § 330.229(a) and MSW Registration No. 40054, SOP § 330.229, Facility Operating Hours, Page 11  Falled to operate and accept wasts within the approved Facility operating hours, Specification, the Regionateria accepted waste on Specification (a) Regionateria accepted waste on Specification (b) Regionateria accepted waste on Specification (b) Regionateria accepted waste on Specification (b) Regionateria accepted waste accepted waste on Specification (b) Regionateria accepted waste accepted waste accepted waste on Specification (b) Regionateria accepted waste accepted waste accepted waste on Specification (b) Regionateria accepted waste accepted waste accepted waste accepted waste on Specification (b) Regionateria and times specified in the SOP.  Base Penalty  \$25,000  **Percent**  Release**  R				General Services		
Media [Statute] Municipal Solid Waste Enf. Coordinator Cinton Sims Violation Number Rule Cite(s) 30 Tex. Admin. Code § 330.229(a) and MSW Registration No. 40054, SOP § 330.222,5 Facelty Operating Hours, Page 11 Failed to operate and accept waste within the approved Facility operating hours specified in the approved SoP. Specifically, the Respondent accepted waste on Tuesdays, Thursdays and Fridays outside of the approved waste acceptance days and times specified in the SOP.  **Sensition Description**  Violation Description**  Violation Description**  Pale I and Tuesdays, Thursdays and Fridays outside of the approved waste acceptance days and times specified in the SOP.  **Base Penalty \$25,000  **Sensition Major Moderate Minor Percent 3.0%  **Programmatic Matrix Falsification Major Moderate Minor Percent 0.0%  **Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the wiolation.  **Matrix Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the wiolation.  **Adjustment**  **Violation Events**  Number of Violation Events**  Number of Violation Events**  **One single event is recommended.*  **Separation of the approved SOP.**  Violation Subtotal**  **Violation Subtotal**  **Violation Subtotal**  **Violation Subtotal**  **Violation Fund Penalty Total**  **Violation Final Penalty Total**  **Violation F						r Cir Nevision Mugust 3, 2
Violation Number   2   30 Tex. Admin. Code § 330.229(a) and MSW Registration No. 40054, SOP § 330.229, Facility Operating Hours, Page 11   Failed to operate and accept waste within the approved Facility operating hours specified in the approved SoP. Specifically, the Respondent accepted waste on Tuesdays, Thursdays and Fridays outside of the approved waste acceptance days and times specified in the SOP.    Service   Serv	Media	a [Statute]	Municipal Solid Waste	:		
Source   S						
Failed to operate and accept waste within the approved Facility operating hours specified in the approved SOP. Specifically, the Respondent accepted waste on Tuesdays, Thursdays and Fridays outside of the approved Facility operating hours specified in the SOP.  Base Penalty \$25,000  **Senvironmental, Property and Human Health Matrix*  Release Major Moderate Minor  Percent 3.0%  **Programmatic Matrix*  Fallication Major Moderate Minor  Percent 0.0%  **Matrix*  Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.  **Violation Events**  Number of Violation Events 1 \$56. Number of violation days darkity weekly monotily semiannual single event is recommended.  **One single event is recommended.**  Good Faith Efforts to Comply 0.0% Reduction which will be apposed to the production of the violation.  The Respondent does not meet the pood faith criteria for this violation.  **Violation Subtotal 5750.**  Violation Subtotal 5750.  **Violation Subtotal 5750.**  Violation Final Penalty Total 5750.  **Violation Final Penalty Total 5750.**  Violation Final Penalty Total 5750.**  **Violation Final P	Viola		Il-	ode 5 330 220(a) ar	od MSW Registration No. 40054	SOPE
Violation Description   Sepecified in the approved SOP. Specifically, the Respondent accepted waste on Tuesdays, Thursdays and findays outside of the approved waste acceptance days and times specified in the SOP.    Base Penalty   \$25,000		Rule Cite(5)				, 50r g
>> Environmental, Property and Human Health Matrix   Narm   Release   Major   Moderate   Minor	Violation	1 Description	specified in the ap	proved SOP. Specific s and Fridays outside	ally, the Respondent accepted ve of the approved waste accepta	waste on ance days
Actual Potential					Bas	se Penalty \$25,0
Release   Major   Moderate   Minor   Percent   3.0%	>> Environmen	ital, Proper				***************************************
Potential X Percent 3.0%  >> Programmatic Matrix Falsification Najor Moderate Minor Falsification Percent 0.0%    Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment		Release				
>>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0%  Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.  Adjustment \$24,250  \$750  Violation Events  Number of Violation Events 1 \$56 Number of violation days  daily weekly monthly quarterly semiannual annual single event X  One single event Is recommended.  Sood Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDRRY/Settlement Offer Extraordinary Ordinary N/A X (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$750  Economic Benefit (EB) for this violation \$210 Violation Final Penalty Total \$755	OR	Actual			***************************************	•
Matrix   Notes   Major   Moderate   Minor   Percent   0.0%		Potential		X	Percent 3.0%	
Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.  Adjustment \$24,250  \$750  Violation Events  Number of Violation Events  Number of Violation Events  Number of Violation Events  Violation Base Penalty  \$750  \$750  One single event   X   One single event is recommended.  Good Faith Efforts to Comply  One single event is recommended.  \$000 Reduction  Before NOV NOV to EDPRIVSettlement Offer  Extraordinary  Ordinary  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$750  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$21  Violation Final Penalty Total \$755	>>Programmat					
Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment	F	Falsification	Major Mod	erate Minor	Percent 0.0%	-
Which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment   \$24,250   \$750	L		<u> </u>		1 C/CC/10	<b></b>
Notes Which would not exceed event that are protective or inflant health of environmental receptors as a result of the violation.    Adjustment   \$24,250	Matrix					
Violation Events  Number of Violation Events  Number of Violation Events  1 56 Number of violation days  daily weekly monthly weekly monthly semiannual annual annu	1800988888888	which would n	ot exceed levels that a			eptors as a
Violation Events  Number of Violation Events  Number of Violation Events	L			Tesuit of the violati	1017.	
Number of Violation Events    Number of Violation Events					Adjustment	\$24,250
Number of Violation Events    Number of Violation Events				•		¢7
Number of Violation Events 1 56 Number of violation days  daily weekly monthly quarterly semiannual annual single event x  One single event is recommended.  Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal 5750  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount 521 Violation Final Penalty Total 5756						3/
daily weekly monthly quarterly semiannual annual single event X  One single event is recommended.  Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$750  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$21 Violation Final Penalty Total \$756	<b>Violation Events</b>	S				
daily weekly monthly quarterly semiannual annual single event X  One single event is recommended.  Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$750  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$21 Violation Final Penalty Total \$756		Number of \	/iolation Events		Number of violation	davs
weekly monthly quarterly semianual annual single event   X		Number of V	Toldciott Everito	 		30,0
mark only one with an x    Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one single event   X   Mark one single event   X   Mark only one single event   X   Mark one single event   X   Mark only one single event   X   Mark only one single event   X   Mark only one single event   X   Mark one single						
Good Faith Efforts to Comply  Semiannual annual single event is recommended.  One single event is recommended.  One single event is recommended.  One single event is recommended.  Section 1						
Semiannual annual single event x  One single event is recommended.  Good Faith Efforts to Comply 0.0% Reduction \$90 Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x ((mark with x)) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$750  Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$21 Violation Final Penalty Total \$756					Violation Bas	e Penalty \$7
Good Faith Efforts to Comply    Single event is recommended.   \$0		with an x				
Good Faith Efforts to Comply 0.0% Reduction \$0  Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x)  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$750  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$21 Violation Final Penalty Total \$756						
Good Faith Efforts to Comply  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x (mark with x) Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$750  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$21 Violation Final Penalty Total \$756			single evenit	X		
Good Faith Efforts to Comply  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$750  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$21 Violation Final Penalty Total \$756						
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$750  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$21 Violation Final Penalty Total \$756			One	single event is recon	nmended.	
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$750  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$21 Violation Final Penalty Total \$756	L					<u> </u>
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$750  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$21 Violation Final Penalty Total \$756	Good Faith Effo	rts to Com <sub>l</sub>				
Ordinary  N/A  X				e NOV NOV to EDPRP/S	ettlement Offer	
N/A x ((mark with x)) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$750  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$21 Violation Final Penalty Total \$756						
Notes The Respondent does not meet the good faith criteria for this violation.    Violation Subtotal   \$750				(mark with x)		
Violation Subtotal \$750  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$21 Violation Final Penalty Total \$756			l l	ecnondent does not a	meet the good faith criteria for	
Economic Benefit (EB) for this violation  Estimated EB Amount \$21 Violation Final Penalty Total \$756			Notes			
Economic Benefit (EB) for this violation  Estimated EB Amount \$21 Violation Final Penalty Total \$756			L			, punto a managara da manag
Estimated EB Amount \$21 Violation Final Penalty Total \$756						
	Economic Benef	**************************************				
This violation Final Assessed Penalty (adjusted for limits) \$756		Estimate	ed EB Amount	\$21]	violation Final Pena	arty rotar \$75
		000 (20.1000 0020 1.100 0000 1.100	Ti	nis violation Final A	Assessed Penalty (adjusted f	or limits) \$75

Respondent Case ID No. g. Ent. Reference No.	46635	ba Don General S	ervices				
***	Municipal Solid					Percent Interest	Years of Depreciation
						5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	8-Feb-2013	18-Dec-2013	0.86	\$21	n/a	\$21
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	approved Fa	icility operating ho	ours. The date r estimat	equire ed com	d is the investigating plance date.	t waste is accepted on date, and the fin	al date is the
Avoided Costs	ANNUAL	IZE [1] avoided	costs before e			for one-time avoid	
Disposal		ļ		0.00	<u>\$0</u>	\$0 \$0	\$0 \$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
pection/Reporting/Sampling		<u> </u>		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.00	\$0 \$0	\$0	\$0 \$0
ONE-TIME avoided costs [3]							

\$500

Approx. Cost of Compliance

TOTAL[

Screening Date	· · · · · · · · · · · · · · · · · · ·	
Respondent Case ID No.	Don M. Tate dba Don General Services	Policy Revision 3 (September 2011)  PCW Revision August 3, 2011
Reg. Ent. Reference No.		rew Revision August 3, 2011
	Municipal Solid Waste	
Enf. Coordinator		
Violation Number Rule Cite(s)		
Rule Cite(s)	30 Tex. Admin. Code § 30.213(a)	
Violation Description	Failed to employ at least one licensed individual who supervises or ma operations of the MSW Facility. Specifically, none of the employees at topossessed a Class A or Class B MSW Operator License.	
	Ва	se Penalty \$25,000
>> Environmental Proper	ry and Human Health Matrix	
>> Environmental, Froper	Harm	#
Release	Major Moderate Minor	
OR Actual Potential	x Percent 15.0%	
		<del></del>
>>Programmatic Matrix	Made Made Made Minor	
Falsification	Major Moderate Minor Percent 0.0%	]
Matrix Human health	or the environment will or could be exposed to pollutants which would ex	ceed levels
	otective of human health or environmental receptors as a result of the vi	
	Alle Blide - Alle Berger -	المسمسانية المسمسانية المسمسانية المسانية المسان
	Adjustment	\$21,250
		\$3,750
		43,730
Violation Events		
Number of V	iolation Events 2 56 Number of violation	ı davs
		; ;
	daily	
	weekly monthly x	
mark only one with an x	quarterly Violation Bas	se Penalty \$7,500
Will all X	semiannual [1991.18]	
:	annual	
	single event	
Two mont	lly events are recommended based on documentation of the violation dur	ing the
	February 8, 2013 investigation to the April 5, 2013 screening date.	
Good Faith Efforts to Comp		\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary	
	N/A x (mark with x)	a .
	The Respondent does not meet the good faith criteria for	
	Notes this violation.	
		4
	Violation	n Subtotal \$7,500
Economic Benefit (EB) for	this violation Statutory Limi	t Test
Estimate	d EB Amount \$186 Violation Final Pen	alty Total \$7,563
	This violation Final Assessed Penalty (adjusted	for limits) \$7,563

#### **Economic Benefit Worksheet** Respondent Don M. Tate dba Don General Services Case ID No. 46635 Reg. Ent. Reference No. RN102120938 Percent Interest Depreciation Media Municipal Solid Waste Violation No. 3 Yrs Interest Saved Onetime Costs **EB Amount** Item Cost Date Required Final Date Item Description No commas or \$ **Delayed Costs** 0.00 \$0 \$0 \$0 Equipment 0.00 \$0 Buildings \$0 \$0 0.00 \$0 \$0 \$0 Other (as needed) \$0 0.00 \$0 \$0 Engineering/construction 0.00 \$0 n/a Land Record Keeping System 0.00 \$0 n/a \$0 Training/Sampling 0.00 \$0 n/a \$0 Remediation/Disposal 0.00 \$0 n/a \$0 **Permit Costs** 0.00 \$0 n/a \$0 Other (as needed) \$0 n/a \$0 Notes for DELAYED costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 \$0 Disposal \$0 0.00 \$0 \$0 Personnel \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 0.00 \$0 \$0 \$0 Supplies/equipment Financial Assurance [2] 0.00 \$0 \$0 \$0 7-Feb-2013 \$111 \$111 ONE-TIME avoided costs [3] 0.00 \$0 \$111 Other (as needed) 0.00 \$0

\$111

Notes for AVOIDED costs

Approx. Cost of Compliance

Estimated cost for an employee to obtain a Class A or Class B MSW Operator License. The date required is

a day prior to the investigation date, and the final date is the the investigation date.

TOTAL

\$111

Screening Date	•	Docket No. 2013-0797-MSW-E	PCW
T. 144.44 .41	t Don M. Tate dba Don Gener	al Services	Policy Revision 3 (September 2011)
Case ID No			PCW Revision August 3, 2011
Reg. Ent. Reference No	Municipal Solid Waste		
Enf. Coordinato	•		
Violation Number			
Rule Cite(s		330.221(a) and MSW Registration No. 40054, 5	SOP §
		30.221, Fire Protection, Page 9	
Violation Description	firefighting purposes as spe	dequate supply of water under pressure is avail cified in the approved SOP. Specifically, the art Facility was incapable of delivering 250 gallons of per minute.	esian well
		Base	Penalty \$25,000
>> Environmental, Prope		Matrix	
Release	Harm Major Moderate	Minor	
OR Actua		7 milion	
Potentia		Percent 5.0%	
	L		
>>Programmatic Matrix			
Falsification	Major Moderate	Minor	
		Percent 0.0%	
Human ha	olth or the environment will or	could be exposed to significant amounts of pol	
		tective of human health or environmental recep	
Notes		It of the violation.	
	· · · · · · · · · · · · · · · · · · ·	machina di para	
		Adjustment	\$23,750
			41.250
			\$1,250
Violation Events			
			198998888888888
Number of	Violation Events 1	Number of violation d	ays
	<b>*</b> ***********************************	- · ·	
	daily		
	weekly		
mark only one	monthly x	Violation Base	Penalty \$1,250
with an x	semiannual	Violation base	7 Citaley
	annual		
	single event		
po			
One quarterly	v event is recommended base	d on documentation of the violation during the I	ebruary
might be a second		to the April 5, 2013 screening date.	,
Good Faith Efforts to Com	ply 0.0%	Reduction	\$0
matamata minus minus matamata matawa 	Before NOV	NOV to EDPRP/Settlement Offer	
	Extraordinary		
	Ordinary		
	N/A ×	(mark with x)	
	The Resnow	dent does not meet the good faith criteria for	
	Notes	this violation.	
		Violation S	Subtotal \$1,250
		Violation	41,230
Economic Benefit (EB) for	this violation	Statutory Limit	Test
		000000000000000000000000000000000000000	
Estimat	ed EB Amount	\$300 Violation Final Penal	ty Total \$1,261
	This vio	lation Final Assessed Penalty (adjusted for	r limits) \$1,261
			,

eg. Ent. Reference No.	DN102120039	ı					
	Municipal Solid					Percent Interest	Years of
Violation No.	4					reitent interest	Depreciation
						5.0	1.
	Ttem Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs	والمستناد المستناد المستناد المستناد			<b></b>			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		<u> </u>		0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	8-Feb-2013	18-Dec-2013	0.86	\$14	\$286	\$300
Land		<u> </u>		0.00	\$0	n/a	<u>\$0</u>
Record Keeping System				0.00	\$0	n/a	<u>\$0</u>
Training/Sampling		<u> </u>		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	<u>\$0</u>
Permit Costs Other (as needed)		<u> </u>		0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs						ssure is available fo is the estimated co	
		IZE [1] avoided	costs before e	enterino	g item (except f	or one-time avoid	led costs)
Avoided Costs	ANNUAL	recitly avoined					
Avoided Costs	ANNUAL	ZE [1] avoided		0.00	\$0	\$0	\$0
	ANNUAL	A-88-187-00-00-00-00-00-00-00-00-00-00-00-00-00		0.00	\$0	\$0	\$0
Disposal Personnel	ANNUAL			0.00 0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL			0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL	Example 1		0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL			0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0

Screening Date		PCW
	Don M. Tate dba Don General Services	Policy Revision 3 (September 2011)
Case ID No. Reg. Ent. Reference No.		PCW Revision August 3, 2011
	Municipal Solid Waste	
Enf. Coordinator		
Violation Number		
Rule Cite(s)		SOP §
	330.221, Fire Protection, Page 9	
	Failed to ensure that fire extinguishers are available, fully charged, and d	
Violation Description	current inspection tag as specified in the approved SOP. Specifically, the in observed three discharged fire extinguishers at the gatehouse with inspec	- II
	dated 1995. Also, waste collection vehicles were not equipped with f	
	extinguishers.	
	Base	Penalty \$25,000
>> Environmental, Proper	ty and Human Health Matrix	
	Harm	
OR Release	<u></u>	
Potential		
	To be indicated in the Property of the Propert	
>>Programmatic Matrix		
Falsification	Major Moderate Minor Percent 0.0%	
	1 diedii   0.070	
Human hea	Ith or the environment will or could be exposed to significant amounts of pol	lutants
	ot exceed levels that are protective of human health or environmental recep	
Notes	result of the violation.	<u> </u>
	Adjustment	\$23,750
	BIRSH MEMBERSECT SESSESSES SESSESSES SESSESSESSESSESSESS	423,730
		\$1,250
Violation Events		
Violation Events		
Number of '	Violation Events 1 Number of violation d	ays
	daily weekly	
	monthly	
mark only one with an x	quarterly Violation Base	Penalty \$1,250
with all X	semiannual	
	annual	The state of the s
	single event	
	bender the design of the distance the land	Fahruani
One quarterly	event is recommended based on documentation of the violation during the 8, 2013 investigation to the February 22, 2013 compliance date.	ebi dai y
Good Faith Efforts to Com	ply 25.0% Reduction	\$312
	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary State of the stat	
	Ordinary x	
	N/A (mark with x)	
	Notes The Respondent came into compliance on February 22,	
	2013, prior to the March 22, 2013 NOE.	
	Violation S	Subtotal \$938
Economic Benefit (EB) for	this violation Statutory Limit	Test
	2227722272727272727272727272727272727272	
Estimat	ed EB Amount \$1 Violation Final Penal	ty Total \$946
	This violation Final Assessed Penalty (adjusted for	r limits) \$946

**Economic Benefit Worksheet** Respondent Don M. Tate dba Don General Services **Case ID No.** 46635 Reg. Ent. Reference No. RN102120938 Media Municipal Solid Waste **Percent Interest** Depreciation Violation No. 5 5.0 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB** Amount Item Description No commas or \$ **Delayed Costs** 22-Feb-2013 8-Feb-2013 0.04 \$0 Equipment \$1 \$1 Buildings 0.00 \$0 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 Engineering/construction 0.00 \$0 \$0 \$0 n/a \$0 0.00 Land Record Keeping System 0.00 \$0 \$0 n/a Training/Sampling \$0 0.00 \$0 n/a Remediation/Disposal \$0 \$0 0.00 n/a \$0 n/a \$0 **Permit Costs** 0.00 Other (as needed) 0.00 \$0 n/a \$0 Estimated cost for new fire extinguishers for waste collection vehicles, recharge existing fire extinguishers and display current inspection tags. The date required is the investigation date, and the final date is the Notes for DELAYED costs compliance date. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.00 \$0 \$0 \$0 0.00 \$0 \$0 Personnel \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 0.00 \$0 \$0 Supplies/equipment \$0 Financial Assurance [2] 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] \$0 \$0 0.00 \$0 Other (as needed) 0.00 \$0 Notes for AVOIDED costs TOTAL \$500 \$1 Approx. Cost of Compliance

Screening Date	•	)13-0797-MSW-E <b>PCW</b>
	Don M. Tate dba Don General Services	Policy Revision 3 (September 2011)
Case ID No. Reg. Ent. Reference No.		PCW Revision August 3, 2011
Media [Statute]		
Enf. Coordinator		
Violation Number	6	
Rule Cite(s)	30 Tex. Admin. Code § 330.203(a) and MSW Registr	
-	330.203, Waste Acceptance and Analy	sis, Page 4
The state of the s		
	Failed to prevent the acceptance of a prohibited waste	
Violation Description	he Respondent accepted industrial solid waste from a m authorized.	lining operation, which is not
		Base Penalty \$25,000
>> Environmental, Proper	y and Human Health Matrix	
Release	Harm Major Moderate Minor	
OR Actual	Major Moderate Minor	
Potential		ercent 5.0%
		Annual
>>Programmatic Matrix		
Falsification	Major Moderate Minor	ercent 0.0%
		0.070
Human health	or the environment has been exposed to insignificant am	ounts of pollutants which do
Matrix not exceed lev	els that are protective of human health or environmental	receptors as a result of the
Notes	violation.	
<u> </u>		
	Adjus	stment \$23,750
		\$1,250
Violation Events		
Al., and any of t	olation Events 1 56 Nu	umber of violation days
i Number of V	olation Events 1 56 Nu	difficer of violation days
	daily	
	weekly	
mark only one	monthly	
with an x	quarterly x	Violation Base Penalty \$1,250
	semiannual annual	
	single event	
		·
	event is recommended based on documentation of the vi	iolation during the February
One quarterly	8, 2013 investigation to the April 5, 2013 screening	
Good Faith Efforts to Com	ly 0.0% Reduction	\$0
good ( alui Ciloi Es to Colli	Before NOV NOV to EDPRP/Settlement Offer	· · · · · · · · · · · · · · · · · · ·
	Extraordinary	
	Ordinary Hilling Hill Hilling	
	N/A ((mark with x)	
	The Respondent does not meet the good	faith criteria for
	Notes this violation.	
		Violation Subtotal \$1,250
	<u></u>	
Economic Benefit (EB) for	his violation SI	tatutory Limit Test
Estimat	d EB Amount \$21 Vio	lation Final Penalty Total \$1,261
	This violation Final Assessed Pen	nalty (adjusted for limits) \$1,261

Respondent	Don M. Tate o	lha Don General S	Services				
Case ID No		iba Don General 2	oci vices				
eg. Ent. Reference No							
	Municipal Soli	d Waste				Percent Interest	Years of
Violation No	<b>,</b> 6					,	Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
						V	
Item Description	No commas or \$						
. are recommended to the second							
Delayed Costs				1		· · · · · · · · · · · · · · · · · · ·	
Equipment	ļ	ļl		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	8-Feb-2013	18-Dec-2013	0.86	\$21	n/a	\$21
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
				0.00	\$0	n/a l	\$0
Other (as needed)		<u> </u>		10.00			
Other (as needed)		<u> </u>					
	Estimated cos	t to develop and i	mplement proce	edures	to prevent the acc	eptance of prohibite	ed waste at the
Other (as needed)  Notes for DELAYED costs	Estimated cos Facility. The	t to develop and i date required is t	mplement proce	edures	to prevent the according the final date		ed waste at the
	Estimated cos Facility. The	it to develop and i date required is t	mplement proce he investigation	edures	to prevent the acc and the final date	eptance of prohibite	ed waste at the
Notes for DELAYED costs	Facility. The	date required is t	he investigation	edures date, a	and the final date	eptance of prohibite is the estimated con	ed waste at the apliance date.
Notes for DELAYED costs  Avoided Costs	Facility. The	date required is t	he investigation	edures date, a	and the final date	eptance of prohibite is the estimated con for one-time avoid	ed waste at the opliance date.
Notes for DELAYED costs  Avoided Costs  Disposal	Facility. The	date required is t	he investigation	edures date, a enterin	and the final date  ag item (except if \$0	eptance of prohibite is the estimated con for one-time avoid \$0	ed waste at the opliance date.  led costs) \$0
Notes for DELAYED costs  Avoided Costs  Disposal Personnel	Facility. The	date required is t	he investigation	date, a	and the final date  ag item (except i  \$0  \$0	eptance of prohibite is the estimated conformertime avoid \$0 \$0	ed waste at the opliance date.  Ied costs) \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling	Facility. The	date required is t	he investigation	edures date, a enterin 0.00 0.00	and the final date  ig item (except iii) \$0 \$0 \$0	teptance of prohibite is the estimated conformertime avoid \$0, \$0, \$0, \$0, \$0, \$0, \$0, \$0, \$0, \$0,	ed waste at the option of the costs)  \$0  \$0  \$0  \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Facility. The	date required is t	he investigation	edures date, a enterin 0.00 0.00 0.00	and the final date  ag item (except in the second s	eptance of prohibite is the estimated conformertime avoid \$0 \$0	ed waste at the opliance date.  Ied costs) \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Facility. The	date required is t	he investigation	edures date, a enterin 0.00 0.00	and the final date  ig item (except iii) \$0 \$0 \$0	reptance of prohibite is the estimated confor one-time avoid \$0 \$0 \$0 \$0 \$0	ed waste at the option of the costs)  \$0  \$0  \$0  \$0
Avoided Costs  Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Facility. The	date required is t	he investigation	edures date, a enterin 0.00 0.00 0.00 0.00	and the final date  so s	reptance of prohibite is the estimated conformation of the state of th	ed waste at the option of the costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Facility. The	date required is t	he investigation	edures date, a enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	so s	reptance of prohibite is the estimated conformation of the state of th	ed waste at the option of the costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$
Avoided Costs  Avoided Costs  Disposal  Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]  ONE-TIME avoided costs [3]	Facility. The	date required is t	he investigation	edures date, a enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	so s	reptance of prohibite is the estimated conformation of the state of th	ed waste at the opliance date.  led costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$
Avoided Costs  Avoided Costs  Disposal  Personnel  spection/Reporting/Sampling  Supplies/equipment  Financial Assurance [2]  ONE-TIME avoided costs [3]	Facility. The	date required is t	he investigation	edures date, a enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	so s	reptance of prohibite is the estimated conformation of the state of th	ed waste at the opliance date.  led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Facility. The	date required is t	he investigation	edures date, a enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	so s	reptance of prohibite is the estimated conformation of the state of th	ed waste at the opliance date.  led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	E	conomic	Benefit	Wo	rksheet		
Respondent D	on M. Tate d	ba Don General S	Services			and the second second	
Case ID No. 40	6635						
Reg. Ent. Reference No. RI	N102120938						
	unicipal Solid					papacoungementereseccoccoccoccoccoccoccoccoccoccoccoccocco	Years of
Violation No. 7	urncipai 30iic	i waste				Percent Interest	Depreciation
violation No. /							est estate incommendation of
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description N	o commas or \$						
	a, danuminanan a						
Delayed Costs		ili e i e jiyayakil					
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction			1 0 00 00 00 00 00 00 00 00 00 00 00 00	0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	8-Feb-2013	18-Dec-2013	0.86	\$21	n/a	\$21
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated				g records at the Fa e is the estimated	cility. The date requ compliance date.	ired is the
Avoided Costs_	ANNUAL:	IZE [1] avoided	costs before	ستسسسنسه		or one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0 l	\$0 l	\$0
Notes for AVOIDED costs							i i i i

\$500

Approx. Cost of Compliance

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# ICEQ Compliance History Report

PUBLISHED Compliance History Report for CN603233883, RN102120938, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, CN603233883, Don M. Tate

Classification: UNCLASSIFIED

Rating: ----

or Owner/Operator: Regulated Entity:

RN102120938, DON GENERAL SERVICES Classification: NOT APPLICABLE

Rating: N/A

**Complexity Points:** 

N/A

Repeat Violator: N/A

CH Group:

14 - Other

Location:

40054

NORTH SIDE of FM RD 2426 E near PINELAND, TX 75968-0006, SABINE COUNTY

**TCEQ Region:** 

**REGION 10 - BEAUMONT** 

ID Number(s):

MUNICIPAL SOLID WASTE PROCESSING REGISTRATION

**MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER** 

40054

**Compliance History Period:** September 01, 2007 to August 31, 2012

Rating Year: 2012

**Rating Date:** 09/01/2012

Date Compliance History Report Prepared: June 06, 2013

Agency Decision Requiring Compliance History:

Component Period Selected: April 23, 2008 to April 23, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Clinton Sims

Phone: (512) 239-6933

### Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

3) If **YES** for #2, who is the current owner/operator?

N/A

4) If YES for #2, who was/were the prior

N/A

owner(s)/operator(s)?

5) If **YES**, when did the change(s) in owner or operator occur?

### Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

N/A

- G. Type of environmental management systems (EMSs):  $_{\mbox{\scriptsize N/A}}$
- H. Voluntary on-site compliance assessment dates:  $\ensuremath{\text{N/A}}$
- I. Participation in a voluntary pollution reduction program:
- J. Early compliance:

Sites Outside of Texas:

N/A

# Texas Commission on Environmental Quality



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
DON M. TATE DBA DON	§	
GENERAL SERVICES	§	ENVIRONMENTAL QUALITY
RN102120028		•

## AGREED ORDER DOCKET NO. 2013-0797-MSW-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Don M. Tate dba Don General Services ("Respondent") under the authority of Tex. Health & Safety Code ch. 361 and Tex. Water Code ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a municipal solid waste ("MSW") Type V transfer facility located on the north side of Farm-To-Market Road 2426 East near Pineland, Sabine County, Texas (the "Facility").
- 2. The Facility involves or involved the management of MSW as defined in Tex. Health & Safety Code ch. 361.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 27, 2013.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Thirteen Thousand Two Hundred Thirty-Seven Dollars (\$13,237) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Five Hundred Ninety Dollars (\$2,590) of the administrative penalty and Two Thousand Six Hundred Forty-Seven Dollars (\$2,647) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Eight Thousand Dollars (\$8,000) of the administrative penalty shall be payable in four monthly payments of Two Thousand Dollars (\$2,000) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Updated the Facility entrance sign to contain the specific information listed in the approved Site Operating Plan ("SOP") on February 21, 2013; and
  - b. Recharged the fire extinguishers and displayed current inspection tags on February 22, 2013.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

### II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to ensure that the Facility sign contains specific required information listed in the approved SOP, in violation of 30 Tex. Admin. Code § 330.231 and MSW Registration No. 40054, SOP § 330.231, Facility Sign, Page 11, as documented during an investigation conducted on February 8, 2013. Specifically, the entrance sign at the Facility did not contain emergency contact information, language stating that all loads will be properly covered or otherwise secured, or a "No Smoking" sign. Also, the entrance sign indicated that the Facility accepts scrap tires, which are listed as prohibited waste in the Facility SOP.
- 2. Failed to operate and accept waste within the approved Facility operating hours specified in the approved SOP, in violation of 30 Tex. Admin. Code § 330.229(a) and MSW Registration No. 40054, SOP § 330.229, Facility Operating Hours, Page 11, as documented during an investigation conducted on February 8, 2013. Specifically, the Respondent accepted waste on Tuesdays, Thursdays and Fridays outside of the approved waste acceptance days and times specified in the SOP.
- 3. Failed to employ at least one licensed individual who supervises or manages the operations of the MSW Facility, in violation of 30 Tex. Admin. Code § 30.213(a), as documented during an investigation conducted on February 8, 2013. Specifically, none of the employees at the Facility possessed a Class A or Class B MSW Operator License.
- 4. Failed to ensure that an adequate supply of water under pressure is available for firefighting purposes as specified in the approved SOP, in violation of 30 Tex. Admin. Code § 330.221(a) and MSW Registration No. 40054, SOP § 330.221, Fire Protection, Page 9, as documented during an investigation conducted on February 8, 2013. Specifically, the artesian well with pump located at the Facility was incapable of delivering 250 gallons of water per minute.
- 5. Failed to ensure that fire extinguishers are available, fully charged, and display a current inspection tag as specified in the approved SOP, in violation of 30 Tex. ADMIN. CODE § 330.221(b) and MSW Registration No. 40054, SOP § 330.221, Fire Protection, Page 9, as documented during an investigation conducted on February 8, 2013. Specifically, the investigator observed three discharged fire extinguishers at the gatehouse with inspection tags dated 1995. Also, waste collection vehicles were not equipped with fire extinguishers.
- 6. Failed to prevent the acceptance of a prohibited waste at the Facility, in violation of 30 Tex. Admin. Code § 330.203(a) and MSW Registration No. 40054, SOP § 330.203, Waste Acceptance and Analysis, Page 4, as documented during an investigation conducted on February 8, 2013. Specifically, the Respondent accepted industrial solid waste from a mining operation, which is not authorized.
- 7. Failed to establish and maintain Facility inspection and training records as specified in the approved SOP, in violation of 30 Tex. ADMIN. CODE § 330.219(b)(2) and MSW Registration No. 40054, SOP § 330.219, Page 7, as documented during an investigation conducted on February 8, 2013.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Don M. Tate dba Don General Services, Docket No. 2013-0797-PST-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order:
    - Cease accepting and processing prohibited industrial solid waste at the Facility until such time as authorization is obtained;
    - ii. Cease the operation and acceptance of waste outside of the days and hours authorized in the approved SOP, or obtain an approved registration modification according to the deadline specified in Ordering Provision No. 2.b. indicating that new days and hours of Facility operation and waste acceptance have been established, in accordance with 30 TEX. ADMIN. CODE § 330.229(a) and MSW Registration No. 40054, SOP § 330.229; and
    - iii. Begin maintaining all inspection and training records at the Facility as specified in the approved SOP, in accordance with 30 TEX. ADMIN. CODE § 330.219(b)(2) and MSW Registration No. 40054, SOP § 330.219.
  - b. Within 180 days after the effective date of this Agreed Order:
    - i. Ensure that at least one employed individual of the Facility has attended and successfully completed a MSW Class A or Class B Supervisor Course, in accordance with 30 Tex. Admin. Code § 330.213(a); and

Don M. Tate dba Don General Services DOCKET NO. 2013-0797-MSW-E Page 5

- ii. Ensure that a pressurized water supply capable of delivering 250 gallons per minute has been made available at the Facility or obtain an approved registration modification indicating that the Facility has an adequate water supply under pressure for firefighting purposes, in accordance with 30 Tex. Admin. Code § 330.221(a) and MSW Registration No. 40054, SOP § 330.221.
- c. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1892

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

Don M. Tate dba Don General Services DOCKET NO. 2013-0797-MSW-E Page 6

- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

Don M. Tate dba Don General Services DOCKET NO. 2013-0797-MSW-E Page 7

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

	,
For the Commission	
For the Executive Director	4/2/14 Date
I, the undersigned, have read and understand the a agree to the attached Agreed Order on behalf of the do agree to the terms and conditions specified there accepting payment for the penalty amount, is materi	e entity indicated below my signature, and I in. I further acknowledge that the TCEQ, in
<ul> <li>I also understand that failure to comply with the and/or failure to timely pay the penalty amount, may</li> <li>A negative impact on compliance history;</li> <li>Greater scrutiny of any permit applications so</li> <li>Referral of this case to the Attorney General additional penalties, and/or attorney fees, or</li> <li>Increased penalties in any future enforcement</li> <li>Automatic referral to the Attorney General's and</li> <li>TCEQ seeking other relief as authorized by latter addition, any falsification of any compliance document</li> </ul>	y result in:  abmitted; ral's Office for contempt, injunctive relief, to a collection agency; t actions; s Office of any future enforcement actions; w.
Jon m Jote Signature	7-31-20/3 Date
Name (Printed or typed) Authorized Representative of Don M. Tate dba Don General Services	Title

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.